

Item # _____

Prepared by: Darren Sanders
Engineering

Approved by: Lisa Kelly
County Attorney

A RESOLUTION APPROVING A CONTRACT WITH ENSCOR, LLC IN THE AMOUNT OF \$94,730.00 AND \$5,270.00 FOR AN EXTRA WORK ALLOWANCE FOR A TOTAL AMOUNT OF \$100,000.00 FOR THE INSTALLATION OF CURB RAMPS COMPLIANT WITH TITLE II OF THE AMERICANS WITH DISABILITIES ACT AND AMENDING THE FY2009-10 CAPITAL PROJECTS BUDGET AND THIS ITEM REQUIRES AN EXPENDITURE OF COUNTY CIP FUNDS IN THE AMOUNT OF \$100,000.00. SPONSORED BY COMMISSIONER DEIDRE MALONE.

WHEREAS, Shelby County is required to comply with Title II of the Americans with Disabilities Act (ADA) which includes sidewalk accessibility; and

WHEREAS, Sealed bids were requested and received on May 22, 2009 under RFP #09-004-82 for the installation of curb ramps compliant with Title II of the Americans with Disabilities Act (ADA); and

WHEREAS, This project will bring selected intersections that have existing sidewalks but no curb ramps in unincorporated Shelby County into compliance with ADA requirements; and

WHEREAS, The initial low bidder has withdrawn his bid following the one hundred and twenty (120) day timeframe allotted in the bid documents for award; and

WHEREAS, Encsor, LLC, the second low bidder has extended their bid price and committed to hire locally owned small businesses (LOSB's) for twenty percent (20%) of the construction work; and

WHEREAS, It is necessary to appropriate capital improvement program funds in the amount of \$94,730.00 to fund this contract and to appropriate funds in the amount of \$5,270.00 for an extra work allowance for a total amount of \$100,000.00; and

WHEREAS, Funds for sidewalk improvements for ADA compliance have been allocated in the FY 2009-2010 Capital Projects Budget in Project No. 307371, Office Buildings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the contract with Encsor, LLC in the amount of \$94,730.00 for the installation of curb ramps compliant with Title II of the Americans with Disabilities Act and an extra work allowance in the amount of \$5,270.00 for a total amount of \$100,000.00 is hereby approved.

BE IT FURTHER RESOLVED, That funds in the amount of \$100,000.00 be and the same are hereby appropriated from the FY 2009-2010 capital improvement budget for CIP Project No. 307371, Office Buildings.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute the aforementioned contract on behalf of Shelby County Government, an executed copy of which is to be placed on file in the Contracts Administration Section of the Office of the County Attorney.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are hereby authorized to issue their warrant or warrants in amounts not to exceed \$100,000.00 for the purposes contained in this resolution to Encor, LLC and to take proper credit in their accounting therefor.

Joyce Avery, Acting County Mayor

Date:_____

ATTEST:

Clerk of County Commission

ADOPTED _____

SUMMARY SHEET

I. Description of Item

This project provides for the construction of seventy-two (72) curb ramps at intersections that have sidewalks but no ramps. The new ramps will bring the sidewalk accessibility at the selected intersections into compliance with Title II of the Americans with Disabilities Act (ADA).

II. Source and Amount of Funding

A. Amount Expended/Budget Line Item

FY 2009-2010 CIP BUDGET FOR PROJECT NO. 307371, OFFICE BLDGS.

Original Allocation	\$2,350,000.00
Prior Appropriation(s)	< 0.00 >
Balance	\$2,350,000.00
This Request	< 100,000.00 >
Balance if Approved	<u>\$2,250,000.00</u>

B. All Costs (Direct/Indirect)

1. Construction Costs with Contingency: \$100,000.00

C. Additional or Subsequent Obligations or Expenses of Shelby County

1. None

III. Contract Items

- | | |
|---------------------|---------------------------------------|
| A. Type of Contract | Standard |
| B. Terms | (90) days or until project completion |

IV. Additional Information Relevant to Approval of This Item

The original project scope of the installation of one hundred and four (104) curb ramps was bid on May 22, 2009 with the lowest/best bid being received from Roy Holmes Construction Company, Inc. in the amount of \$101,501.25. In an effort to award the contract in full or in part to a locally owned small business (LOSB), a request was made to the Administration to divide the project into smaller segments and rebid it, which was done on July 17, 2009 in three separate packages. Ensco, LLC was the low bidder on all three of the bid packages for a total contract amount of \$151,958.20. They are not an LOSB firm but they have committed to hire LOSB's for twenty percent (20%) of the construction work.

Because the bids from the second RFP were significantly higher than those from the first, the Administration revisited the initial bids and extended an offer to Roy Holmes Construction Company, Inc. He declined to extend his bid price beyond the one hundred and twenty (120) day window specified in the proposal citing increased concrete costs. The Administration then went to the second bidder, Enscor, LLC who has agreed to extend his bid price of \$134,885.00 for an additional ninety (90) days. Because the bid price exceeds the amount budgeted for sidewalk accessibility in the CIP budget, the scope of work has been reduced from one hundred and four (104) to seventy-two (72) curb ramps.

This installation of ADA compliant curb ramps for the unincorporated areas of Shelby County is a multi-year project. Additional ramps will be installed in future years along with improvements to County buildings and facilities to meet current ADA requirements.